

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

In re Flint Water Cases.

Judith E. Levy
United States District Judge

_____/

This Order Relates To:

Bellwether II Cases

_____/

**AMENDED SCHEDULING ORDER FOR
BELLWETHER II TRIAL**

The Court sets forth the schedule for the Bellwether II cases, as set forth below.

<u>Event</u>	<u>Deadline/ Date Range</u>
Deadline for Pool Two Claimants to fully respond to all written discovery, including providing any additional requested waivers for medical or other information	August 7, 2023
Counsel for Plaintiffs and Counsel for Defendants shall each identify seven (7) claimants from among the Pool Two Claimants who will be engaged in further discovery (“Pool Three Claimants”). ¹	September 11, 2023

¹ The parties most recent stipulation indicates that Defendants must receive satisfactory discovery responses and resolve any disputes regarding Pool 2 discovery 21 days prior to Pool 3 selection. (See ECF No. 2518, PageID.83631.)

Defendants may begin noticing home inspections and testimonial depositions of the Pool Three Claimants and witnesses in accordance with CMO 5 (except that depositions may be noticed 15 days in advance of taking them).	September 12, 2023
Merits discovery complete for Pool Three Claimants.	December 7, 2023
Plaintiffs to provide expert disclosures and reports. The Plaintiffs shall include in the disclosure three dates on which each expert is available for deposition within sixty (60) days of the disclosure. All Plaintiffs alleging personal injuries must be available for Rule 35 examinations starting ten (10) days after plaintiffs' expert disclosures and reports are served.	December 8, 2023
Defendants to provide expert disclosures and reports. The Defendants will include in the disclosure three dates on which each expert is available for deposition within sixth (60) days of the disclosure.	March 8, 2024
Plaintiffs to provide expert rebuttal reports	April 19, 2024
Defendants to provide expert rebuttal reports.	May 31, 2024
Reply expert report depositions.	June 3, 2024 to June 10, 2024
The parties to each identify two (2) plaintiffs, for a total of four (4), to continue to Pool Four. ²	November 6, 2023
Daubert and Summary Judgment Motions	August 9, 2024

² Defendants must receive satisfactory discovery responses and resolve any disputes regarding Pool 3 discovery 21 days prior to Pool 4 selection.

Daubert and Summary Judgment Response Briefs	September 20, 2024
Daubert and Summary Judgment Reply Briefs	October 18, 2024
Oral Argument on Daubert Motions	December 9, 2024 2:00pm cont'd if needed on December 10, 2024 2:00pm
Oral Argument on Summary Judgment Motions	December 11, 2024 2:00pm cont'd if needed on December 12, 2024 2:00pm
Deadline for Parties to Submit Joint Proposed Jury Questionnaire to the Court (via e-mail)	February 18, 2025
Status Conference on Jury Questionnaire Content	February 24, 2025 2:00pm
Motions in Limine—Opening Briefs	March 3, 2025
Motions in Limine—Response Briefs	March 17, 2025
Motions in Limine—Reply Briefs	March 24, 2025
Deadline for Parties to Ship 200 copies of Juror Questionnaires to Judge Levy's Chambers in Ann Arbor, Michigan	April 4, 2025
Deposition Designations (due for exchange between parties)	<i>Parties to propose deadline</i>
Objections to Deposition Designations and Counter-Designations (due for exchange between parties)	<i>Parties to propose deadline</i>
Hearing on motions in limine (the Court will notify the parties in advance as to which motions will be argued)	April 10, 2025 10:30am

Summoned Jurors to Courthouse to Answer Questionnaires (Court Staff Only) (Jury Department takes approximately one week to process questionnaires and make them available to counsel and the Court)	April 11, 2025
Deadline for Submitting Deposition Designations Matrices and Highlighted Transcripts to the Court (via e-mail)	April 21, 2025
Parties to File Jointly Proposed Jury Instructions and Verdict Form	April 21, 2025
Parties to Submit Joint Final Pretrial Order (use Utilities function in CM/ECF and e-mail)	April 21, 2025
Parties to Submit Jointly Proposed Voir Dire Questions and Joint Statement of the Case (via e-mail)	April 25, 2025
Status Conference Regarding Excusals Based on Jury Questionnaire Responses	TBD
Final Pretrial Conference and Hearing on proposed Jury Instructions and Verdict Form	April 28, 2025 10:30am cont'd if needed on April 29, 2025 10:30am
Deadline for Court to Inform Jury Dept of Excusals Based on Questionnaires (Court Staff Only)	May 7, 2025
Hearing Regarding Misc. Pretrial Matters (if needed)	May 12, 2025 10:30am
First Day of Trial/Voir Dire	May 13, 2025 8:30am

Hearings will be conducted in person in Ann Arbor, Michigan unless the Court notifies the parties in advance otherwise.

IT IS SO ORDERED.

Dated: July 21, 2023
Ann Arbor, Michigan

s/Judith E. Levy
JUDITH E. LEVY

United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or first-class U.S. mail addresses disclosed on the Notice of Electronic Filing on July 21, 2023.

s/William Barkholz
WILLIAM BARKHOLZ
Case Manager